

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEBORAH REARICK,	:	Case No. 4:13-cv-02520
	:	
	:	Judge: Matthew W. Brann
	:	
Plaintiff	:	Mag. Judge Joseph F. Saporito
	:	
v.	:	
	:	
THE PENNSYLVANIA STATE	:	
UNIVERSITY,	:	JURY TRIAL DEMANDED
Defendant	:	
	:	

PLAINTIFF’S REPORT TO MAGISTRATE

Plaintiff, Deborah Rearick (“Plaintiff” or “Rearick”), by and through counsel, Andrew W. Barbin, P.C., hereby files this Report to the Magistrate in the above referenced matter, and avers as follows:

1. On or about May 20, 2015, Plaintiff filed a Motion to Compel requesting Rearick’s prior counsel, Don Bailey, to produce his full and complete file in the above referenced matter.

2. Don Bailey filed a response to the Motion to Compel in the form of a “Letter Brief” on or about June 5, 2015 alleging, inter alia, that he had given everything to undersigned counsel in 2014 and that there was nothing more to give.

3. On or about June 19, 2015, this Honorable Court issued an order requiring Don Bailey to provide undersigned “any and all documents in his

possession and control in any way related to Plaintiff” within ten (10) days along with a notarized affidavit confirming delivery of all such documents.

4. Having failed to provide undersigned with any documents within ten (10) days, the Court issued another Order on or about July 13, 2015, directing undersigned to file this status report as to whether Don Bailey provided any such documents to undersigned.

5. On or about July 22, 2015, undersigned received an affidavit from Don Bailey indicating that he had provided all record of Plaintiff previously in his possession to undersigned. A true and correct copy of the affidavit is attached hereto as Exhibit “A.”

6. Along with the affidavit, Don Bailey provided records which are included in the spreadsheet attached hereto and prepared by undersigned as Exhibit “B.”

7. Due to attorney-client privilege issues, the actual file is not being produced, rather a spreadsheet with relevant identifying information is included for the record.¹

8. Unfortunately, undersigned was concurrently scheduled for trial in Montgomery County in *Charles v. Hardiman*, et al, Docket No. 94-04555 and in

¹ Undersigned notes that the spreadsheet does not list documents in chronological order or any other relevant order. The order of the spreadsheet lists documents exactly how they were received in Don Bailey’s file. Additionally, the spreadsheet does not list duplicated copies of several documents which were included in the file as well.

Philadelphia County in *Stephens v. Smith*, Docket No. 13-000418, notwithstanding an attachment agreement between the counties.

9. As a result of the concurrent attachments, undersigned's time was consumed with trial preparation and motion practice in both matters, including an appearance in the Montgomery matter on July 27, 2015 and continuously in the Philadelphia matter from July 28, 2015 through today.

10. This was beyond the original attachment period which was supposed to end Wednesday August 5, 2015.

11. In fact, the jury was not charged and non-suit motions were still being argued at 12:00 p.m. on Monday August 10, 2015.

12. All documents supplied regarding Plaintiff's case will be put on a thumb drive and forwarded to Plaintiff this date.

13. Counsel apologizes for delay in processing this report; it was entirely inadvertent.

14. Counsel regrets any inconvenience caused thereby.

Respectfully submitted,

/s/ Andrew W. Barbin

Andrew W. Barbin, Esquire
Atty. I.D. #43571
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5 Kacey Court, Suite 102
Mechanicsburg, PA 17055
(717) 506-4670

DATED: August 10, 2015

Attorney for Plaintiff

		:	
DEBORAH REARICK,		:	
		:	
	Plaintiff	:	
		:	
	v.	:	
		:	
THE PENNSYLVANIA STATE		:	
UNIVERSITY,		:	JURY TRIAL DEMANDED
	Defendant	:	
		:	

I, Andrew W. Barbin, Esquire, hereby certify that I am this day serving a copy of the foregoing document upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of the same in the United States Mail, Mechanicsburg, Pennsylvania, with first-class postage prepaid, by email and via ECF, as follows:

Via Email
Deborah Rearick
3796 Powells Road,
Petersburg, Pa 16669

DATED: August 10, 2015